

Notwithstanding the requirements of existing laws or regulations, under such terms and conditions as the Commission may in its discretion deem necessary and proper, the Commission may contract for work, supplies, materials, and equipment outside or for use outside of the United States and engage, by contract or otherwise, the services of architects, firms of architects, and other technical and professional personnel.

The Commission may under such terms and conditions and in such manner as it may deem proper dispose of any land or interest in land in foreign countries which has been or may after June 26, 1946, be acquired by the Commission in connection with its work: *Provided*, That this subsection shall not be effective until the expiration of the Surplus Property Act of 1944.

Claims of the type described in section 2734 of title 10, on account of damage to or loss or destruction of property both real and personal, or personal injury or death of any person, arising on or after July 25, 1956 and caused by the negligent or wrongful act or omission of any officer or civilian employee of the Commission while acting within the scope of his office or employment, may be considered, ascertained, adjusted, determined, and paid in the manner provided in section 2734 of title 10 for the settlement of Army claims, except that in such cases one or more officers or employees of the Commission may be appointed by the Secretary of the Army to a claims commission or commissions or as officers to approve settlements of claims made by such commission or commissions, and all payments in settlement of such claims shall be made out of appropriations made for the purposes of sections 121, 122b to 125, 127, 128, 131, 132, and 138 to 138b of this title.

The Commission may delegate to its Chairman, secretary, or officials in charge of any of its offices, under such terms and conditions as it may prescribe, such of its authority as it may deem necessary and proper.

(Mar. 4, 1923, ch. 283, §12, formerly §14, as added June 26, 1946, ch. 502, 60 Stat. 318; renumbered §12 and amended July 25, 1956, ch. 721, §§2(c), 4(c), 70 Stat. 640, 641.)

REFERENCES IN TEXT

The expiration of the Surplus Property Act of 1944, referred to in the third paragraph, means the expiration of act Oct. 3, 1944, ch. 479, 58 Stat. 765, which was classified principally to sections 1611 to 1641 of Title 50, Appendix, War and National Defense. The expiration of such act was to occur, pursuant to section 38 of such act, three years after cessation of hostilities of World War II. Cessation of hostilities was proclaimed on Dec. 31, 1946, by Proc. No. 2714, 12 F.R. 1, set out as a note preceding section 1 of Title 50, Appendix. However, effective July 1, 1949, section 38 of act Oct. 3, 1944, along with substantially all of such act was repealed (except for sections 1622, 1631, 1637, and 1641 of Title 50, Appendix) by act June 30, 1949, ch. 288, title VI, §602(a)(1), 63 Stat. 399, renumbered Sept. 5, 1950, ch. 849, §6(a), (b), 64 Stat. 583. Sections 1622 and 1641 were partially repealed by the 1949 act, and section 1622 is still set out in part in Title 50, Appendix. Section 1622(g) was repealed and reenacted as part of sections 47151 to 47153 of Title 49, Transportation, by Pub. L. 103-272, §§1(d), 7(b), July 5, 1994, 108 Stat. 1278-1280, 1379. Section 1631 was repealed by act June 7, 1939, ch. 190, §6(e), as added by act July 23, 1946, ch. 590, 60 Stat. 599, and is covered by sections

98 et seq. of Title 50, War and National Defense. Section 1637 was repealed by act June 25, 1948, ch. 645, §21, 62 Stat. 862, eff. Sept. 1, 1948, and is covered by section 3287 of Title 18, Crimes and Criminal Procedure. Provisions of section 1641 not repealed by the 1949 act were repealed by Pub. L. 87-256, §111(a)(1), Sept. 21, 1961, 75 Stat. 538, and are covered by chapter 33 (§2451 et seq.) of Title 22, Foreign Relations and Intercourse. The provisions of the Surplus Property Act of 1944 originally repealed by the 1949 act are covered by chapter 10 (§471 et seq.) of Title 40, Public Buildings, Property, and Works.

CODIFICATION

In the fourth paragraph, “section 2734 of title 10” substituted for “the first section of the Act entitled ‘An act to provide for the prompt settlement of claims for damages occasioned by Army, Navy, and Marine Corps forces in foreign countries’, approved January 2, 1942 (55 Stat. 880, as amended; 31 U.S.C. 224d)” and “such Act”, on authority of act Aug. 10, 1956, §49(b), ch. 1041, 70A Stat. 640, the first section of which enacted Title 10, Armed Forces. The 1942 Act originally enacted sections 224d to 224i-1, and repealed section 223a, of former Title 31, Money and Finance. Sections 224d, 224h, and 224i of former Title 31 were repealed by the 1956 Act, and reenacted as section 2734 of Title 10, Armed Forces. Sections 224e, 224f, 224g, and 224i-1 of former Title 31 were repealed by the 1956 Act as being unnecessary and executed.

AMENDMENTS

1956—Act July 25, 1956, §4(c), amended section to permit the Commission to contract for work, supplies, materials, and equipment for use outside the United States, and to authorize the consideration, ascertainment, adjustment, determination, and payment of claims caused by the negligent or wrongful act or omission of any officer or civilian employee of the Commission.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 121, 125, 127, 128, 138a of this title.

§ 138c. American Battle Monuments Commission Foreign Currency Fluctuations Account

(a) Establishment; purpose; transfer of funds

There is hereby established in the Treasury an account to be known as the “Foreign Currency Fluctuations, American Battle Monuments Commission, Account”. The account shall be used to provide funds, in addition to funds appropriated for salaries and expenses of the American Battle Monuments Commission, to pay the costs of such salaries and expenses that exceed the amount appropriated therefor as a result of fluctuations in currency exchange rates of foreign countries occurring after a budget request for the Commission is submitted to Congress. The account may not be used for any other purpose. Funds in the account may be transferred to funds appropriated for salaries and expenses of the Commission.

(b) Merger and availability of transferred funds; increase in permissible obligations of funds

Funds transferred under subsection (a) of this section shall be merged with and available for the same time period as the appropriation to which they are applied. A provision of law limiting the amount of funds the Commission may obligate in any fiscal year shall be increased to the extent necessary to reflect fluctuations in exchange rates from those used in preparing the budget submission.

(c) Recording of obligations and fluctuations in exchange rates

An obligation of the Commission payable in the currency of a foreign country may be recorded as an obligation based upon exchange rates used in preparing a budget submission. A change reflecting fluctuations in exchange rates may be recorded as a disbursement is made.

(d) Return of transferred funds

Funds transferred from the Foreign Currency Fluctuations, American Battle Monuments Commission, Account may be transferred back to that account—

(1) if the funds are not needed to pay obligations incurred because of fluctuations in currency exchange rates of foreign countries in the appropriation to which the funds were originally transferred; or

(2) because of subsequent favorable fluctuations in the rates or because other funds are, or become, available to pay such obligations.

(e) Time of return

A transfer back to the account under subsection (d) of this section may not be made after the end of the second fiscal year after the fiscal year in which the appropriation to which the funds were originally transferred is available for obligation.

(f) Unobligated balances; merger and availability

Not later than the end of the second fiscal year following the fiscal year for which appropriations for salaries and expenses have been made available to the Commission, unobligated balances of such appropriation provided for a fiscal year may be transferred into the Foreign Currency Fluctuations, American Battle Monuments Commission, Account, to be merged with and available for the same period and purposes as that account.

(g) Annual report on transferred funds

The Commission shall submit to the appropriate committees of the Congress each year a report on funds transferred under this section.

(Mar. 4, 1923, ch. 283, §13, as added May 20, 1988, Pub. L. 100-322, title III, §345(a), 102 Stat. 540.)

EFFECTIVE DATE

Section 345(c) of Pub. L. 100-322 provided that: "The amendment made by subsection (a) [enacting this section] applies with respect to each fiscal year after fiscal year 1988."

AUTHORIZATION OF APPROPRIATIONS

Section 345(b) of Pub. L. 100-322 provided that: "There is authorized to be appropriated to the Foreign Currency Fluctuations, American Battle Monuments Commission, Account the sum of \$3,000,000."

§ 138d. Accounting procedures relating to receipt and expenditure of contributions**(a) Financial controls**

The Commission shall have a system of financial controls to enable the Commission to comply with the requirements of subsection (b) of this section and section 125(b)(3)(D) of this title.

(b) Financial statements

The Commission shall—

(1) by March 1 of each year (beginning with 1998)—

(A) prepare a financial statement which covers all accounts and associated activities of the Commission for the preceding fiscal year and is consistent with the requirements of section 3515 of title 31; and

(B) submit the financial statement, together with a narrative summary, to the Committees on Veterans' Affairs of the Senate and House of Representatives; and

(2) obtain an audit by the Comptroller General of the United States of each financial statement prepared under paragraph (1)(A), which shall be conducted in accordance with applicable generally accepted government auditing standards and shall be in lieu of any audit otherwise required by law.

(c) Restrictions on funds received before March 1, 1998

The Commission may not obligate, withdraw, or expend funds received as contributions before March 1, 1998.

(Mar. 4, 1923, ch. 283, §14, as added Oct. 9, 1996, Pub. L. 104-275, title VI, §602(b), 110 Stat. 3345.)

CHAPTER 8A—THE NATIONAL YEOMEN F

Sec.

139. Corporation created; purposes.

139a. Right to hold property; constitution, bylaws and seal.

139b. Deposit of historical material.

§ 139. Corporation created; purposes

Eva H. Clarke, Beatrice Brown Dwyer, and Mary J. O'Donnell, of Arizona;

Ruby Busse Anglim, Lottie Sessions Barrett, Philome Lucy Cavanagh, Stella Austen Clark, Pearl Bonham Clerk, Lillian Koeber Deamer, Harriet Jane Dodson, Alma Simmermacher Dreyer, Stella Neumann Elbersen, Ola Belle Emmner, Edna Crumpler Estes, Mirian Mathews Everett, Katherine Driscoll Fallon, Kathleen Vance Hatch, Eva Wilson Hay, Ellen Keefe Heady, Ruth Hemphill, Myrtle Kinsey, Anna Geisler Kirkpatrick, Katherine Brown Lightner, Margaret Dannagger Lovelace, Lillian Catherine McCarthy, Gladys Farmer McCool, Laura Landes Metcalf, Louise Vickery Mowers, Ruth Manahan Neal, Gladys D. Nelson, Madeline O'Leary Peggs, Caroline Peirce, Sara Craddock Sasser, May Gesner Schaefer, Billie Browne Shank, Rita Beaton Schaub, Etienne V. Schier, Louise Williams Sears, Anne Williams Shumway, Florence Kelly Sparrow, Laura V. Waldron, Agnes L. Walker, Gladys Spalding Wheless, Evelyn Lyon Wiberg, and Muriel Andrews Zerangue, all of California;

Gladys Yeager Briggs, and Blanche Marion Curry, of Colorado;

Grace Pascoe Agard, Julie Sternberg Aichler, Mary Sweeney Alling, Sara Hinchey Barry, Anna Kilroy Bean, Kathleen Moriarity Begley, Anna Lyons Bergin, Ethel Cornet Bolles, Anna McDowell Brown, Mary MacKenzie Carson, Lucy Galvin Cavanaugh, Rose Reiger Chapman, Dorothy Sara Clifford, Monica Cecelia Clifford, Sadie Connelly, Marjory Murray Cormack, Martha Swirsky Cotton, Marion McEntee Cox, Ione